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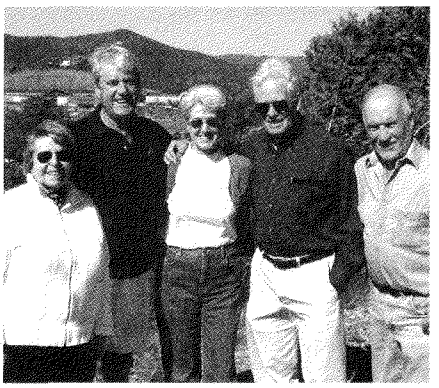
THE PROENGLISH Advocate

ProEnglish to Re-File EO13166 Lawsuit

ProEnglish, the Association of American Physicians and Surgeons (AAPS), and several individual physicians will file suit in federal court this summer to challenge the constitutionality of Executive Order 13166 (EO 13166).

ProEnglish Board Chairman Bob Park said, "We are excited to be going back into court and challenging the constitutionality of this order that attempts to make speaking English to non-English speaking persons a crime. Our attorneys are hard at work on the case right now and we plan to make a public announcement when we file. All I can say now is that it will definitely happen before Labor Day."

This will be the second time that ProEnglish has gone to court to challenge the multilingualism mandate signed by President Clinton at the end of his term and kept in place by President Bush. ProEnglish's first attempt ended in 2002 when a Clinton-appointed federal judge dismissed the suit on a technical issue. ProEnglish fought the decision and the technical issue was later ruled invalid by an appeals court. Despite the finding, the appellate court refused to reverse the lower court, and thus the judge's maneuver succeeded in keeping the original lawsuit from receiving a hearing on its merits.



ProEnglish Board members met in Arizona this April.

"Stripped of its excuses, E.O. 13166 is a blatant attempt to circumvent Congress and force multilingualism on the American people against their will," said Park. He added, "The evidence of illegality and of the huge un-funded mandate it will impose on American taxpayers is much stronger today than it was when we filed our first lawsuit trying to overturn it two years ago."

Park said, "I want to thank all the ProEnglish donors that made it possible for us to renew this important legal challenge. This simply would not be possible without their loyal support."

What you can do

To express your views on official English to President Bush, call (202) 456-1414

To call your U.S. Senators or U.S. Representative, call the Capitol switchboard at (202) 224-3121 and ask to be connected to their office.

For information about bills in Congress and suggested action items, access ProEnglish's website at www.ProEnglish.org.

The following information applies to the enclosed package in its entirety, ProEnglish is a project of U.S. U.S. is a 501(c)(3) tax-exempt organization and as such, can expend only a specific portion of its overall resources on lobbying activities. While your contribution will not be earmarked for a specific campaign, its availability at this time will assist us in meeting all of our goals. A copy of our latest financial report may be obtained from either the Secretary of State of New York, Albany, NY 12231 or from U.S., 445 East Mitchell St., Petoskey, MI 49770-2623. The official registration and financial information of U.S. may be obtained from the Pennsylvania Department of State by calling toll free, within Pennsylvania 1-800-732-0999. Registration does not imply endorsement. West Virginia residents my obtain a summary of the registration and financial documents from the Secretary of State, State Capitol, Charleston, WV 25305.

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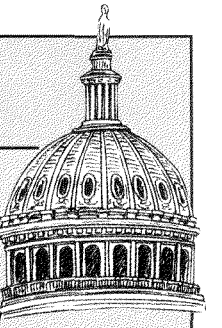
On Capitol Hill



Sen. Frist introduces stealth multilingual mandate

Senate Majority Leader Bill Frist (R-Tenn.) has allied himself with those who want to force multilingualism on the American people.

Frist's new bill, S. 2217, the "Closing the Health Care Gap Act of 2004," claims to promote improved access to health care services for so-called "health disparity populations." Buried in the bill's language, however, is an explicit affirmation of the Clinton-era language mandate known as Executive Order 13166 (E.O. 13166). Thus, if enacted in its present form, the Republican Majority Leader's bill will be used by multilingual activists to claim congressional authorization for the multilingual edict, while avoiding the necessity of having an open congressional debate on the issue in full view of the American people. This is aptly known as "stealth legislation."

Executive Order 13166, signed by President Clinton in August 2000, requires all federal agencies and recipients of federal financial assistance to provide translation and interpretation services to limited English proficient (LEP) persons. According to the order's radically distorted interpretation of the 1964 Civil Rights Act, failing to provide such services constitutes illegal discrimination on the basis of national origin.

Until now, E.O. 13166 has lacked any authorization by Congress. S. 2217 would grant E.O. 13166 the legitimacy its supporters have long desired and make it more difficult to challenge it in the courts.

ProEnglish met with Sen. Frist's staff to explain the harm done by the bill's language and provide detailed recommendations for changing it. Instead Sen. Frist reintroduced the identical bill with two new provisions – a special health insurance tax credit as well as an affirmative action program for disadvantaged youth – a transparent effort to bribe both Republicans and Democrats into supporting his bill.

In addition to the damage done by the backhanded endorsement of E.O. 13166, S. 2217 defines "health disparity populations" to include non-English speaking persons and suggests that U.S. taxpayers have a duty to remove language barriers by providing free translation and interpreter services.

"It's self-evident that someone who cannot speak the language of a country is going to have more difficulty accessing health care services there than someone who can, just as I would if I moved to a country like China," said ProEnglish Chairman Bob Park. "One of the worst aspects of Sen. Frist's bill is the concept that U.S. taxpayers should be required to pay for people who come here knowing they cannot speak English, but don't want to be burdened by the consequences."

ProEnglish members can communicate their views about S. 2217 to Senator Frist by faxing him using the ProEnglish Fax Center found on ProEnglish's website: www.proenglish.org, or they can write him care of U.S. Senate, Washington D.C. 20510.

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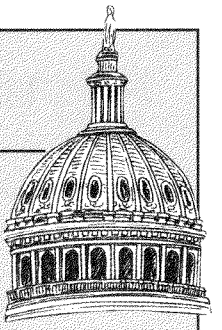
On Capitol Hill



Rep. Goode introduces English language amendment in Congress

Rep. Goode

Rep. Virgil Goode (R-VA) has introduced a constitutional amendment declaring English the official language and requiring all public acts, records, and judicial proceedings at all levels of government to be written and communicated in English.

Goode's amendment, H.J. Res. 94, is the latest in a series of attempts to enshrine official English in the U.S. Constitution that began when the late Senator S.I. Hayakawa introduced such legislation in 1981. ProEnglish Chairman Bob Park said, "We applaud Rep. Goode for his commitment to protecting English as our common, unifying language and fully support his amendment."

English advocates have long debated the merits of amending the Constitution to make English the official language. The lengthy and arduous amendment process, which requires the approval of two-thirds of Congress and three-fourths of all state legislatures, should be a last resort according to some. The argument is that an amendment is unnecessary unless the courts first rule that a duly enacted law is unconstitutional. Others think the only way to make sure that English is the official language is to enshrine it in the Constitution.

There are currently two proposals to enact a new law making English the official language pending in Congress. H.R. 931 by Rep. Peter King (R-NY) has 51 co-sponsors, and H.R. 997 by Rep. Steven King (R-IA) has 105 co-sponsors.

"ProEnglish is committed to making English our official language, and we support every effort in Congress to accomplish that goal," he added.

House support builds for revoking E.O. 13166

H.R. 300, a bill to revoke the Clinton-era executive order requiring taxpayers to fund translation and interpretation services for non-English speakers is gaining momentum in Congress, thanks in part to a renewed ProEnglish lobbying effort launched this spring.

Introduced by Rep. Peter King (R-N.Y.), the bill has attracted 77 members of Congress up from 71 co-sponsors at the beginning of the year. Those that have added their names to the bill include Reps. John Kline (R-Minn.), Max Burns (R-Ga.), Jack Kingston (R-Ga.), Walter Jones (R-NC), Jim Ramstad (R-MN), and Dennis Rehberg (R-Mont.).

Rep. Tancredo urges teaching Western Civilization

U.S. Rep. Tom Tancredo (R-Co.) has introduced a non-binding resolution in Congress to recognize the importance of Western Civilization in America's classrooms. He sees it as an antidote to the multicultural ideology that seeks to demean our history and divide our nation.

"America is the only nation on earth founded on ideas," said Tancredo. "If we fail to transmit those ideas to our children and immigrants, the ideas will be lost and so will our nation."

Tancredo's resolution, House Concurrent Resolution 377 (H. Con. Res. 377), urges local school boards and departments of education in all 50 states to ensure that young people are taught to understand and appreciate the values, contributions and accomplishments of Western Civilization. H. Con. Res. 377 currently has fourteen co-sponsors in the House.

Tancredo and the measure's sponsors also are urging state legislators and local school boards to adopt similar resolutions in their jurisdictions.

The text of House Congressional Resolution 377 and list of current co-sponsors are available online at http://thomas.loc.gov.

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Around the Nation

Florida town illustrates bilingual ballot absurdity

The federal government is forcing tiny Briny Breezes, Fla., to print election notices in Spanish despite the fact that everyone who lives there speaks English. The oceanfront retirement community was also required to provide bilingual voting information to residents, even though no election was being held.

The bilingual ballot provisions of the Voting Rights Act, which Congress continues to vote for, require all towns within a county to print ballots in foreign languages when the number of voters speaking that language in a country rises above a certain threshold.

So two years ago, the Justice Department notified Palm Beach County that more than 5 percent of its registered voters were Spanish-speaking. As a result every one of its 37 municipalities must now print ballots in Spanish.

It didn't matter that Census data show that 98 percent of Briny Breezes' population of 411 are life-long US citizens and 99 percent speak English "very well." Election officials in Briny Breezes were required to print a double-sided notice, one side in English, the other in Spanish, to inform residents that there would be no election.

DC adopts multilingualism ordinance

The District of Columbia city government has passed an ordinance that requires nearly two-dozen city agencies to provide translation and interpretation services to limited English proficient (LEP) persons living in the District.

The Language Access Act was passed unanimously by the D.C. City Council on April 6 and requires 22 government agencies to hire bilingual employees and translate official documents into five other languages: Spanish, Korean, Vietnamese, Mandarin, and Amharic.

On signing the law D.C. Mayor Anthony Williams said, "Language access is a civil rights issue . . . This legislation will allow local immigrant residents access to the District government services and benefits they need and are entitled to."

ProEnglish Executive Director K.C. McAlpin disputed the Mayor's assertion that federal civil rights law requires language translation services. In a letter to Mayor Williams on April 28, McAlpin said, "The 1964 Civil Right's Act has no provision concerning 'language.' And it is simply mistaken to assert that a person's race or national origin bears any relationship to the language they speak. For those reasons, the courts have consistently rejected the attempt to equate language and national origin for more than 30 years."

McAlpin added: "Taxpayer dollars would be far better spent supporting programs to teach LEP persons English, thereby improving their skills and freeing them of the need for language services for the rest of their lives." City officials estimated the ordinance would cost almost $8 million to implement from fiscal 2003 through fiscal 2006.

Legislator Blocks West Virginia Official English Bill

A bill that would have made West Virginia the 28th state to have English as its official language, died in committee at the hands of a single disgruntled legislator.

The bill passed the state's Democrat-controlled Senate by an overwhelmingly bipartisan vote of 31-3 in March. It was immediately sent to the House of Delegates. But Democrat Jon Amores used his power as Judiciary Committee Chairman to block the bill from coming to a vote in the House.

Supporters have vowed to reintroduce the bill, but to become law it would have to pass the Senate again next year. Polls show the vast majority of West Virginians support official English.

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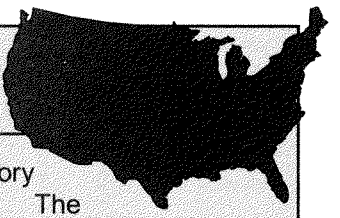
Around the Nation



Governor Ehrlich draws fire for denouncing multiculturalism & defending English

Maryland's Republican Governor Robert L. Ehrlich was compared to Hitler and accused of fostering "a climate of intolerance" for saying that multiculturalism was "bunk," and "with respect to [American] culture, English is the language."

The uproar started in early May when Maryland State Comptroller William Donald Schaefer, a Democrat, complained publicly about trying to give his order to a McDonald's restaurant employee who could not speak English. Schafer's comments immediately came under fire from anti-assimilation activists.

On a radio program the next day, Gov. Ehrlich came to the Comptroller's defense saying that immigrants should learn English and adding, "There is no such thing as a multicultural society that can sustain itself, in my view, and I think history teaches us this lesson." The governor's comments provoked a cascade of newspaper stories with multicultural activists calling his words "bigoted," and political leaders demanding that Ehrlich apologize for his remarks.

But Erhlich refused to be cowed. Pressured to back away from his comments by reporters he said, "It's a common culture, and the last message we want to send out is for people to separate themselves. We should celebrate the common American culture, the common American values and the common American language. I think that's common sense."

ProEnglish Executive Director KC McAlpin wrote Gov. Ehrlich thanking him for telling the truth about the importance of learning English and for describing multiculturalism as the divisive, anti-American ideology it is (see story below).

Paper Exposes Anti-Americanism in Multicultural Education

A newly published paper from the Lexington Institute reveals multicultural education as taught in public schools today is a thinly disguised assault on American ideals, including the ideal of a melting pot in which anyone can be an American. A major element in many such multicultural programs is an attack on the idea of maintaining a common language.

Entitled "A Primer on Multicultural Education: Unifying or Divisive Force," the report identifies two types of multicultural education. One is patterned on the traditional model that has made the United States the most sought after immigrant destination on earth. It stresses traditional American values of personal responsibility, hard work, competition, democracy, and freedom. Its goal is to preserve the United States as a free and prosperous nation.

The other kind teaches that all things European are inherently "oppressive," and therefore rejects assimilation into historic American culture in favor of maintaining separate ethnic, cultural and linguistic identities. It demeans American values and promotes grievances by dividing students according to race and sex into "oppressor" or "oppressed" categories. It then indoctrinates both groups by teaching only the negative aspects of American history. Its goal is to transform the United States into the unexceptional province of a global police state similar to Aldous Huxley's "Brave New World."

Pushed by organizations like the National Education Union (NEA) and the National Association for Multilingual Education (NAME), the second model has been gaining ascendancy in U.S. public schools during the last forty years according to the report. These groups use their institutional control to rigidly enforce their doctrine throughout the educational system.

The Lexington Institute report is essential reading for all parents and grandparents who want to counter the destructive influence of multicultural ideology in education and to help transmit American history and values to their children or grandchildren. A free copy can be obtained by requesting one from the Lexington Institute: 1600 Wilson Boulevard, Suite 900, Arlington, VA 22209, tel. (703) 522-5828, mail@lexingtoninstitute.org.

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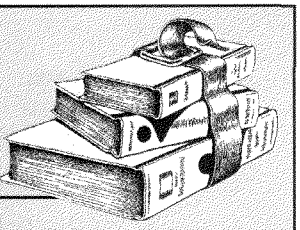
Dispatches from the Bilingual Ed Battlefront



Grand Jury documents Santa Ana California schools' resistance to immersion law

The Santa Ana Unified School District continued to flout the state's education laws and obstruct students' learning of English, according to an Orange County grand jury report issued this past April.

The 20-page report, entitled "Speaking English in Santa Ana, Proposition 227 Then and Now," sharply criticizes the district for failing to implement Proposition 227, the English immersion law adopted by a landslide vote in a 1998 referendum. According to the Census, Santa Ana has the highest percentage of residents who speak Spanish at home of any city in the country.

The report alleges that Santa Ana Unified fostered an atmosphere that "encouraged resistance" to the law and maintained programs that inhibited students' progress in English. The report also charges that school officials misled parents into thinking bilingual education programs were in their children's best interest and to seek waivers to keep their children in bilingual classrooms.

The abuses documented in the report led to a revolt by Hispanic parents that resulted in a 2003 recall election. In that election, Nativo Lopez, the school board chairman who led Santa Ana's opposition to Proposition 227, was removed from office by a stunning 70 percent margin.

Since the lopsided recall vote, the number of waiver requests from parents to keep their children in bilingual programs has dropped sharply.

Soaring English immersion test results convince California holdouts

For the third year in a row, California students learning English as a second language (ESL) scored huge gains in statewide tests measuring English skills and academic performance, according to test scores released by the California Department of Education in March. More than 1.4 million ESL students took the test.

Preliminary results show the percentage of children ranked in the top two categories of proficiency has skyrocketed. The number qualifying as advanced and early advanced increased from 24 percent in 2002 to 43 percent in 2003.

California voters passed Proposition 227 in 1998, a voter initiative that largely ended the state's 30-year old experiment with bilingual education in favor of traditional English immersion teaching methods.

The student scores were so compelling that a number of school districts that had been resisting the changeover to English immersion classrooms began throwing in the towel. For instance, officials at Sassarini Elementary School in Sonoma Calif. announced that they would end the school's bilingual education program next fall.

"A survey of other school districts in the county with English learners indicates that those districts that have gone to a structured English immersion approach have had some measure of success," said district Superintendent Kim Jamieson in an interview with the Sonoma *Index-Tribune*. "Therefore, it really is time for us to try a different approach."

One-fourth of California's approximately 6 million public school students speak a language other than English at home.

Quote of the Day

"The worst mistake was to encourage children to speak Turkish, Arabic, or Berber in primary schools rather than Dutch."

– from a *Daily Telegraph* (UK) article about a Dutch government report on the failure of The Netherlands' assimilation policy ("Dutch race policy a 30-year failure," January 20, 2004).

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The Benefit to Immigrants

"They need to speak English or they're going to be working in the fields."

– Beatriz Salas, Mexican immigrant and native Spanish speaker, who transferred her children to an English immersion school on the outskirts of town to escape the Santa Ana, Calif. schools' bilingual education program – from the *Washington Times*, ("Bilingual education, race to collide in California recall," Jan. 28, 2003).

In the Courts

Colorado judges spring alien sex offender over language

The Colorado Supreme Court ruled that prosecutors could not use incriminating statements against Dagoberto Aguilar-Ramos, an illegal immigrant who was charged with kidnapping and sexual assault in 2002, due to a mistranslated Miranda warning.

Aguilar-Ramos was given a printed Miranda rights form in Spanish and indicated that he understood it at least three times. But the interrogating officer's limited Spanish proficiency was found to have "rendered him unable to effectively communicate" with the defendant.

Multiculturalists sue for Mass. school exams in Spanish

A multicultural advocacy group has filed suit claiming that the exam Massachusetts' high school students must pass in order to graduate is unfair to Spanish-speaking students because it is given in English.

The Multicultural Education, Training and Advocacy Coalition (META) that filed the suit in March, is demanding that the parts of the exam that evaluates students' proficiency in subjects such as math and history be given in Spanish. A separate exam would evaluate the students' fluency in English.

ProEnglish executive director K.C. McAlpin said the lawsuit was without merit. "The United States has the same right as any other nation to insure that its high school graduates are fluent in the national language, which is English," he said. "It's not in our interest as a nation, to award high school diplomas to people who cannot speak, read, or understand the national language well enough to take tests in it."

The other reason to reject the lawsuit is fairness. The requirement to take the exam in English is the same for Spanish speakers as it is for native speakers of the 300 plus other languages now spoken in the U.S.

Judge's anger means delay in EEOC case

Judge Steven McNamee, the federal judge presiding in the Equal Employment Opportunity Commission (EEOC) lawsuit charging an Arizona couple with discrimination for having an English-on-the-job rule in their small town drive-in restaurant, has delayed ruling on an EEOC motion. The judge appears to be delaying out of anger at the Kidmans for defending themselves against the EEOC charges.

During a conference last fall, Judge McNamee exploded in rage when he learned that in spite of enormous pressure from a court-appointed magistrate, the Kidmans had refused to accept a draft consent decree that the EEOC had drawn up to settle the case. In desperation, the EEOC then asked the judge to force the Kidmans to settle the case on the EEOC's terms and give up their constitutional right to a fair trial. Briefs on the EEOC motion were completed and filed with the court in early February. Normally a ruling would have been made within one or two months at most.

While Judge McNamee may be reluctant to rule for the EEOC, court observers say he appears to be delaying out of anger at the Kidmans for rejecting the EEOC offer that would have cleared the case from his court docket. In the meantime, the Kidmans' English-on-the-job policy remains intact, and their restaurant, RD's Drive-In, continues to thrive despite the uncertainty under which Judge McNamee is forcing them to live.

ProEnglish has contributed financially to the Kidmans' legal defense.

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Civil Rights Commission to Bash Bush Administration for Slow EO13166 Implementation

Under its highly divisive chairman, Mary Frances Berry, the U.S. Civil Rights Commission (USCR) is doing a "review" of federal agencies' compliance with Executive Order 13166 (EO 13166). EO 13166 is the executive order issued by President Clinton in the closing days of his administration requiring federally funded agencies to provide translators for non-English speaking immigrants, or risk prosecution for violating their civil rights.

The order relies on a definition that equates people's "national origin" with the language they speak, a transparently false definition that has been rejected over and over again by the courts. Language was not even considered by Congress when it passed the civil rights law. According to the congressional record, the phrase "national origin" was intended to mean the country that someone came from, and nothing else.

But Berry's letter to the federal agencies notifying them of the USCR review simply assumes that the false definition is valid.

> *"One of the principal responsibilities of the U.S. Commission on Civil Rights is to appraise the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice (Section 3(a)(2) P.L. 103-419). Under this mandate the Commission is undertaking a study on eliminating language barriers to federal programs and services."*

The Commission's initiative is a classic example of how un-elected federal bureaucrats twist the meaning of words in order to promote their goal of a leviathan multicultural state. Note that the elimination of such "language barriers" will require the expenditure of billions of dollars to hire vast numbers of government interpreters and provide an endless stream of document translations.

The Bush Administration, which has gone to court to contest Berry's autocratic and highly politicized control of the Civil Rights Commission, may yet regret its decision not to revoke EO 13166 when it first took office. The word is that the Berry-controlled USCRC staff plans to complete its review of the federal government's EO 13166 compliance and issue its report in July, in time to excoriate the Bush Administration for another civil rights "failure" just ahead of the President's bid for re-election.

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